July 9, 2018

The Honorable John Barrasso, MD
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chair Barrasso,

Our collective natural resource-based members are all too familiar with the impacts of the Endangered Species Act (ESA). Their livelihoods are threatened by the ESA's ever-present potential of placing serious federal restrictions on the natural resource industry. There is a limit to how much a business can take and still survive.

It is no secret that Oregon's famous timber industry is a pale version of what it used to be. On June 26th, 1990, the Northern Spotted Owl was put on the Endangered Species list. That date marks one of the most controversial decisions ever for Northwest forests. Loggers correctly predicted old-growth protections that might be good for the owl could destroy their industry. The owl's protected status in 1990 led to the Clinton Administration's Northwest Forest plan, four years later. That plan promised a balance of timber production and environmental protection, but never delivered for timber production.

The effect has been a 90% reduction in our federal timber supply. When nearly four billion board feet are taken off the market, the economic effects to our rural communities was disastrous. Throughout the state, hundreds of mills closed, and tens of thousands of people lost their jobs. In 2003, the *Journal of Forestry* reported that more than half of the 60,000 Oregon workers who held jobs in the wood- products industry at the beginning of the 1990s no longer had them by 1998.

Negative effects on grazing are another prime example of how the ESA and litigation has hampered the natural resource industry. The natural resource community continues to be inundated with legal claims that insufficient monitoring exists within the system. An example of this is the case filed on January 6, 2011, by the Hells Canyon Preservation Council and Oregon Natural Desert Association. That case specifically challenges the monitoring done by the US Forest Service (USFS) to support its decisions to use the 2005 Appropriations Rider to categorically exclude thirty-five allotments from an environmental impact statement or assessment under the National Environmental Protection Act (NEPA).

In most cases, the problem is constant-- the USFS has failed to do its job and do the proper monitoring of the federal land. When the USFS is unable to adequately supply the courts with evidence of monitoring, livestock producers suffer. Courts are quick to limit or modify grazing activities even if the USFS collects the information it should have had in the first instance to demonstrate that grazing is not harmful to national forest lands.

Oregon's devastating experience with the ESA shows the need for a more collaborative recovery approach, with State conservation agencies, local governments and stakeholders. We appreciate the bipartisan approach and extensive work that the Western Governors' Association has put into improving the ESA. The proposed Endangered Species Act Amendments of 2018 takes positive steps forward to improve implementation of the ESA.

We support the draft's improved coordination and input from States. State conservation agencies have some of the best local knowledge and information about status of potentially listed species. They also have experience working collaboratively with local stakeholders. This is why the option of a State-led recovery teams for listed species is justified.

The draft also elevates the use of Candidate Conservation Agreements with Assurances (CCAAs). The use of CCAA are an important tool in building conservation commitments among private, State and federal landowners to avoid the necessity of an ESA listing. Our Oregon ranching stakeholders are successfully working collaboratively with other private industry sectors, conservation groups and local, State and Federal governments to implement a CCAA for the Greater sage-grouse. An important addition to the draft is the safe-harbor provisions to provide regulatory certainty for landowners and other stakeholders to facilitate participation in conservation and recovery activities.

We support the increased transparency for state conservation agencies, local governments and stakeholders. The provisions regarding litigation transparency are especially important and will inform the role of litigation in driving management decisions over science-based efforts.

As the Committee deliberates on this Act, please consider the impact that ESA litigation is having on the management of species and our natural resource sectors. Just last April, a federal district court in Oregon dismissed an ESA lawsuit about the impacts of grazing on protected bull trout, finding that grazing was unlikely to have caused the decline in bull trout populations. Unfortunately, it took 15 years to reach a decision in this case. During this time, several ranches gave up their grazing permits because the ESA fight had become too burdensome.

Thank you for your leadership on the Endangered Species Act Amendments of 2018 and we look forward to working with you and the Committee as the legislation is considered further.

Sincerely

Katie Fast
Oregonians for Food & Shelter

Mary Anne Cooper
Oregon Farm Bureau Federation

Jerome Rosa
Oregon Cattlemen's Association

Roger Beyer
Oregon Seed Council

Jim Geisinger
Associated Oregon Loggers

Tami Kerr
Oregon Dairy Farmers Association